

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSHUA L. HINTON,

Defendant.

8:07CR416

8:08CR200

ORDER

Defendant Joshua L. Hinton (Hinton) appeared before the court on April 11, 2012, on the Petitions for Warrant or Summons for Offender Under Supervision (Petitions) (Filing No. 37 - 8:07CR416 and Filing No. 30 - 8:08CR200). Hinton was represented by Assistant Federal Public Jeffrey L. Thomas and the United States was represented by Assistant U.S. Attorney Russell X. Mayer. Through his counsel, Hinton waived his right to a probable cause hearing on the Petitions pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Petitions allege probable cause and that Hinton should be held to answer for a final dispositional hearing before Judge Joseph F. Bataillon.

The government moved for detention. Through counsel, Hinton declined to present any evidence on the issue of detention or request a hearing. Since it is Hinton's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Hinton has failed to carry his burden and that Hinton should be detained pending a dispositional hearing before Judge Bataillon.

IT IS ORDERED:

1. A combined final dispositional hearing on both Petitions will be held before Judge Joseph F. Bataillon in Courtroom No. 3, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 1:00 p.m. on May 23, 2012**. Defendant must be present in person.

2. Defendant Joshua L. Hinton is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 11th day of April, 2012.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge